IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 4787 of 2005

Between:

C.A. Raman, S/o. Shankar Nair,
R/o. 8-3-222/B/7, Madhuranagar,
Yellareddyguda, Hyderabad - 500 038.

..... PETITIONER

AND

1. Government of Andhra Pradesh, Represented by its Principal Secretary, Agricultural and Cooperation Department, Secretariat, Hyderabad.
2 The Prudential Cooperative Bank Limited, Represented by its Liquidatory

appointed by the State Government,
R.P. Road, Secunderabad.
3 Sale Officer, Prudential Cooperative Bank Limited,
R.P. Road, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, or order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents in going ahead with the sale of the petitioners house No. 8-3-224, Madhurangar, Yellareddyguda, Hyderabad 38 (B-92), Plot No. 7, Sy.No. 121, 122 & 123 in pursuance sale notice dated 5/3/2005 as arbitrary and unconstitutional and consequently declare that bank authorities are bound to receive the amount form the petitioner under OTS scheme framed by the bank and government pass such order or other orders as deemed fit in the interest of justice.

Counsel for the Petitioner: MR.K.S.MURTHY

Counsel for the Respondent No.1: G.P. FOR COOPERATION

Counsel for the Respondents 2 & 3: Mr.S.Ashok Anand Kumar

The Court at the stage of admission made the following

ORAL ORDER:

Heard both sides.

1. The petitioner is a loanee and a defaulter of the second respondent-Prudential Cooperative Bank Limited. When his property is sought to be sold earlier, he filed a writ petition basing on the “One Time Settlement Scheme”. But for personal reasons, the petitioner could not avail the benefit of that scheme, which was enforced in 2003.

2. Subsequently, the second respondent-bank introduced a scheme by name ‘New One Time Settlement Scheme’ in the year 2005, and an offer was made to all the loanees of the second respondent-bank. Some loanees, like petitoner, had expressed their willingness to avail the benefit under the said new scheme.

3. It appears that in the meanwhile the said scheme had

become the subject matter of W.P.No.23156 of 2004 and the same is pending before this Court.

4. The important aspect to be noted is that the operation of the said new scheme was stayed by this Court pending hearing of the said writ petition.

5. In view of the above said fact, the petitioner, having expressed his willingness to avail the benefit under the said scheme, and also the second respondent-Bank having offered the benefit under the scheme, are unable to perform their respective obligations.

6. Having regard to the facts and circumstances of the case, and the keenness of the petitioner to repay the amount and also to avail the benefit under the Scheme, I feel it expedient to dispose of the writ petition in the following terms:

"The auction proceedings, which are scheduled to be conducted on 11-03-2005, are hereby set aside subject to the condition of the writ petitioner depositing a sum of Rs.10,00,000/- (rupees ten lakhs only) with the respondents, within a total period of eight (8) weeks from today in two instalments.

The first instalment of Rs.5,00,000/- (rupees five lakhs only) shall be deposited by the petitioner with the respondents, within four weeks i.e., on or before
10-04-2005 and the second instalment of Rs.5,00,000/- (rupees five lakhs only) shall be deposited by the petitioner with the respondents, within four weeks from 10-04-2005 i.e., on or before 10-05-2005. In the event of failure on the part of the petitioner in depositing any one

of the instalments, as directed above, the respondents can proceed against the petitioner in accordance with law."

7. The writ petition is disposed of accordingly at the admission stage. No costs.

D.S.R. VARMA, J

10TH MARCH 2005

ISN

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Principal Secretary, Government of Andhra Pradesh,
   Agricultural and Cooperation Department, Secretariat, Hyderabad.
2 The Liquidatory, The Prudential Cooperative Bank Limited,

R.P. Road, Secunderabad.
3 The Sale Officer, Prudential Cooperative Bank Limited,
   R.P. Road, Secunderabad.

4. Two CCs to G.P. for Co-operation, High Court Buildings, Hyderabad (OUT)

5. Two CD copies

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.No.4787 of 2005

10TH MARCH 2005